

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

JOHN HENRY WOODS,

Plaintiff,

vs.

**ST. LOUIS POLICE DEPARTMENT and
UNKNOWN TYSON,**

Defendants.

Case No. 4:05-CV-2383-HEA

ORDER

This matter is before the Court on plaintiff's motion to withdraw his notice of appeal [Doc. 14].

Background

On February 21, 2006, plaintiff filed a notice of appeal from the final judgment entered in this action on February 8, 2006. On February 27, 2006, the Court denied plaintiff's motion for leave to proceed in forma pauperis on appeal. The Court further ordered that plaintiff either pay the full \$255 filing and docketing fees for filing an appeal or file with the United States Court of Appeals for the Eighth Circuit an application to proceed in forma pauperis on appeal. On March 2, 2006, plaintiff filed the instant motion to withdraw his appeal.

Discussion

Pursuant to Federal Rule of Appellate Procedure 42(a), an appeal that has not been docketed in the Court of Appeals may be dismissed by the District Court upon motion and notice by the appellant. Because plaintiff's notice has not been docketed, pursuant to Federal Rule of Appellate Procedure 42(a), the Court will dismiss his appeal.

Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion to withdraw his notice of appeal [Doc.14] be **GRANTED**.

IT IS FURTHER ORDERED that the Clerk of Court shall not process plaintiff's notice of appeal.

Dated this 8th day of March, 2006.

A handwritten signature in cursive script, appearing to read "Hans Edward Richey", written in black ink.

UNITED STATES DISTRICT JUDGE